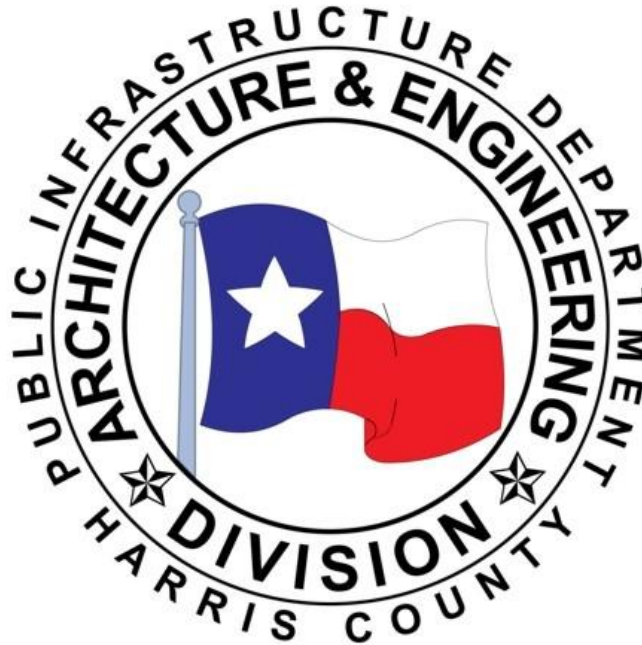


HARRIS COUNTY FIRE CODE



AS

ADOPTED: October 25, 2005

EFFECTIVE: July 1, 2008

AMENDED: April 12, 2012

**HARRIS COUNTY
PUBLIC INFRASTRUCTURE DEPARTMENT
ARCHITECTURE & ENGINEERING DIVISION
and
HARRIS COUNTY FIRE MARSHAL'S OFFICE**

**ARTHUR L. STOREY, JR., PE
COUNTY ENGINEER**

**MICHAEL MONTGOMERY
HARRIS COUNTY FIRE MARSHAL**

STATE OF TEXAS §

COUNTY OF HARRIS §

ORDER

On this the ____ day of JUN 03 2008 2008, at a regular meeting of the Commissioners Court of Harris County, sitting as the governing body of Harris County, with the following members present to wit:

Ed Emmett
El Franco Lee
Sylvia R. Garcia
Steve Radack
Jerry Eversole

County Judge
Commissioner, Precinct One
Commissioner, Precinct Two
Commissioner, Precinct Three
Commissioner, Precinct Four

And the following member(s) absent to wit: none
constituting a quorum, when among other business, the following was transacted:

ORDER ADOPTING AMENDMENTS TO THE HARRIS COUNTY FIRE CODE

Commissioner Lee introduced an order and made a motion that the same be adopted. Commissioner Eversole seconded the motion for the adoption of the order. The motion carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the order had been duly and lawfully adopted. The order thus adopted reads as follows:

ORDER

IT IS ORDERED that, pursuant to Texas Local Government Code § 233.061 *et seq.*, as amended, a revised Harris County Fire Code, a copy of the amendments of which is attached hereto and incorporated here in for all purposes, be adopted, to become effective 1 July 2008.

Presented to Commissioner's Court

JUN 03 2008

APPROVE _____

Recorded Vol. _____ Page _____

A CERTIFIED COPY

ATTEST: JUN 09 2008
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Maricela V. Martinez Deputy
MARICELA V. MARTINEZ

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TO INTERNATIONAL FIRE CODE, 2006 EDITION

HARRIS COUNTY FIRE CODE

PART 1 – ADMINISTRATION AND PRELIMINARY PROVISIONS

SECTION 101.1 – AUTHORITY. This Code is adopted as a fire code by the Commissioners Court of Harris County, Texas, acting in its capacity as the governing body of Harris County. The authority of Harris County to adopt this Code and the contents hereof is derived from Chapter 233, Subchapter C, Texas Local Government Code, Section, §233.061 et seq., as amended. The Harris County Fire Code as adopted on September 4, 2004 and which became effective on January 1, 2005 shall continue to apply to the construction of buildings for which construction begins prior to the effective date of this new Code. But this Code shall apply to all buildings for which Construction or Substantial Improvement, as defined in this Code, begins after the effective date of this Fire Code. This Code may be amended at any time by a majority of Commissioners Court.

SECTION 101.2 – SCOPE OF REGULATIONS. This Code applies in unincorporated areas of Harris County, Texas after the effective date of this Code.

SECTION 101.3 – PURPOSE. The purpose of this Code is to provide minimum requirements, with due regard to function, for the design and Construction or Substantial Improvement of Public Buildings, Commercial Establishments, and multifamily residential dwellings consisting of four or more units to reduce the risk to life and property from fire.

Fire safety in regard to operation and use of buildings and structures after construction, whether or not their construction was subject to this Code, shall be enforced independent of this Code by the County Fire Marshal in accordance with applicable law, including but not limited to his independent authority to inspect for the presence of fire and life safety hazards and order their correction under Chapter 352 of the Texas Local Government Code. This Code is not intended in any way to limit the statutory authority of the Fire Marshal, and it is intended that such authority be retained to the fullest extent that the law would authorize.

SECTION 101.4 - CONSTRUCTION OF REGULATIONS. This Code is to be construed liberally to accomplish its purpose. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or order adopted by the County, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this Code. Nothing herein shall derogate from the authority of the Fire Code Official to determine compliance with codes or standards for those activities or installations within the Code Official's jurisdiction or responsibility. Requirements that are essential for the public safety of a building or structure or for the safety of the occupants thereof or the general public which are not specifically provided for by this Code shall be determined by the Fire Code Official. The codes and standards referenced in this Code shall be those that are listed in Chapter 45 of this Code, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of such reference. Where differences occur between the provision of this Code and the referenced standards, the provisions of this Code shall apply. Where there is a conflict between a general requirement and a specific requirement within this Code, the specific requirement shall be applicable.

SECTION 101.5 - ABROGATION AND GREATER RESTRICTIONS. This Code is not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions. Except as provided in Part 9, where this Code and other legal requirements conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 101.6 - WARNING AND DISCLAIMER OF LIABILITY. The degree of fire protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This Code does not imply that any building or the uses permitted within any building will be free from a fire hazard. This Code shall not create liability on the part of Harris County or any

officer or employee thereof for any damages that result from reliance on this Code or any administrative decision lawfully made thereunder. The granting of a permit or issuance of a Certificate of Compliance does not imply that the building can be insured for fire coverage.

SECTION 101.7 - FINDINGS OF FACT. It is hereby found by the Commissioners Court of Harris County that fires have occurred in the past within its jurisdiction and are likely to occur in the future, and that damage to property and loss of life occurs for many reasons including fires that could have been prevented or minimized by providing additional safety guards to provide adequate egress time and protection for people exposed to fire.

SECTION 101.8 - BASIS FOR REGULATION. The Harris County Fire Code shall consist of this Code plus the *International Fire Code*, 2006 Edition, including appendix chapters B, C, and D, and Section 20.5 of *NFPA 1 Uniform Fire Code*, 2009 edition, which code and appendices are incorporated herein as if fully set out herein, with the additions, insertions, deletions and changes, prescribed in Exhibit A hereto.

SECTION 101.9 – ALTERNATIVE MATERIALS AND METHODS. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alteration has been approved by the Fire Code Official. The Fire Code Official is authorized to approve an alternative material or method of construction where the Fire Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

PART 2 - USE OF TERMS

SECTION 102.1 - CERTIFICATE OF COMPLIANCE. (a) A “Certificate of Compliance” means a certificate issued by the County Engineer indicating Construction or Substantial Improvement is in compliance with the Harris County Fire Code as of a specific date and for a specific occupancy. The certificate may be filed in the Real Property Records as outlined in Section 107.1 of this Code. A Certificate of Compliance under this Fire Code shall not be construed as authorizing the owner or operator of any building to afterward operate or maintain such building in such a way as to create, cause or allow the existence of a fire or life safety condition, which condition shall be subject to the independent enforcement authority of the County Fire Marshal.

(b) CERTIFICATE OF COMPLIANCE, CONDITIONAL or PARTIAL. A “Conditional Certificate of Compliance” or a “Partial Certificate of Compliance means a certificate issued by the County Engineer, subject to the conditions described herein.

1. The fire code official shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe.
2. The holder of a conditional or partial Certificate of Compliance shall proceed only to the point for which approval has been given, at the permit holder’s own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operation will be granted.

SECTION 102.2 - CERTIFICATE OF NON-COMPLIANCE. A “Certificate of Non-Compliance” means a certificate issued by the County Engineer indicating Construction or Substantial Improvement is not in compliance with the Harris County Fire Code as of a specific date. This certificate may be filed in the Real Property Records as outlined in Section 107.1 of this Code.

SECTION 102.3 – CONSTRUCTION. “Construction” means the initial permanent construction of a public building, a commercial establishment, or a multifamily residential dwelling consisting of four or more units, and all related improvements on a site. A permit is required prior to the start of any construction. For purposes of this Code, construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that:

- a) the first materials are added to the original property;
- b) foundation pilings are installed on the original property; or
- c) a manufactured building or relocated structure is placed on a foundation on the original property.

SECTION 102.4 - COUNTY BUILDING OFFICIAL. “County Building Official” means the individual appointed by Commissioners Court who is a registered professional engineer or registered architect in the State of Texas and is an employee of the County Engineer, or a designee of such individual.

SECTION 102.5 - COUNTY ENGINEER. “County Engineer” means the holder of the statutory office of County Engineer for Harris County or the employee(s) designated by the County Engineer to perform a task required by this Code.

SECTION 102.6 - COUNTY FIRE MARSHAL. “County Fire Marshal” means the holder of the statutory office of County Fire Marshal for Harris County or the employee(s) designated by the County Fire Marshal to perform a task required by this Code.

SECTION 102.7 - PERSON. “Person” includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and Local governments and agencies thereof.

SECTION 102.8 - PUBLIC BUILDINGS AND COMMERCIAL ESTABLISHMENTS. “Public Buildings and Commercial Establishments” include any building where the public may gather or where a good or service is provided for compensation. This definition includes, but is not limited to auditoriums, classrooms, churches, libraries, restaurants, theaters, schools, daycare facilities, nursing homes, hospitals, correctional facilities, hotels, motels, dormitories, department stores, shopping centers, doctor offices, general offices, laundries and warehouses. Not included in this definition is an industrial facility having a fire brigade that conforms to requirements of the Occupational Safety and Health Administration or apartment buildings.

SECTION 102.9 – RESIDENTIAL BOARD AND CARE. A residential occupancy used for lodging and boarding of four or more, but not more than 16, residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services. For the purposes of this code, new and existing Residential Board and Care Occupancies shall comply with Section 20.5 of NFPA 1, *Fire Code*, 2009 Edition.

SECTION 102.10 - SUBSTANTIAL IMPROVEMENT. A “Substantial Improvement” is

- a) the repair, restoration, reconstruction, improvement, or remodeling of a public building, a commercial establishment, or a multifamily residential dwelling consisting of four or more units for which the cost exceeds 50% of the building’s value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or
- b) a change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into a loft apartment. For purposes of determining if an improvement is a Substantial Improvement, the applicant for a permit must submit data reflecting cost of the improvement, restoration, reconstruction, improvement or remodeling. Costs shall include the value of all labor and materials. A permit is required prior to the start of any Substantial Improvement. For purposes of this Code, Substantial Improvement begins on the date that the repair, restoration, reconstruction, improvement, or remodeling or the change in occupancy classification begins or on the date materials are first delivered for that purpose.

The County Building Official may require the submittal of an independent certified damage assessment in cases where the structure has suffered other than minor damage.

SECTION 102.11 - UNINCORPORATED AREA. “Unincorporated Area” means the area in Harris County, Texas, which is not within an incorporated area of a city, town, village or within 2500 feet of the centerline of the Houston Ship Channel.

PART 3 - GENERAL PROVISIONS

SECTION 103.1 - ADMINISTRATION BY THE COUNTY BUILDING OFFICIAL. The County Building Official or the County Building Official’s designee is responsible for the administration of this Code, issuance of permits required by this Code, enforcement of this Code and maintenance of proper records.

SECTION 103.2 - RESPONSIBILITY OF THE COUNTY FIRE MARSHAL. The County Fire Marshal or the County Fire Marshal’s designees may conduct inspections provided for in this Code.

SECTION 103.3 - RESPONSIBILITY OF OTHER OFFICIALS. Under this Code the County Building Official is responsible for all administrative decisions, determinations and duties. The County Building Official may seek and secure the assistance of other officials of Harris County in making decisions and determinations and in performing the administrative duties but is not required to conform to the recommendations of others, provided however, any decision by the County Building Official may be appealed by the process in Section 106.1 et seq. of this Code.

PART 4 - PERMITS

SECTION 104.1 - PERMITS REQUIRED. No person shall perform or authorize Construction or Substantial Improvement within the unincorporated areas of Harris County without first securing a permit under this Code.

SECTION 104.2 - APPLICATION FOR PERMIT. The application for a permit will be on a form prescribed by the County Engineer and must be supported by the following:

- a) a completed Fire Code Design and Compliance Review Sheet provided by the County Building Official and signed and sealed by a duly licensed architect or engineer authorized to practice in the State of Texas;
- b) a floor plan to scale for each level of the building including the following:
 - 1. types of construction materials and class of interior finish;
 - 2. location of all exits with distances between exits called out – exit width, type and any special requirement shall be stated; and
 - 3. location of any fire alarm equipment, automatic sprinklers, emergency lighting, etc. required to meet this Code.

If unable to determine from the information submitted whether a permit should be issued, the County Building Official may require the submission of additional information, drawings, specifications or documents.

SECTION 104.3 - DETERMINATION OF PERMIT ELIGIBILITY. After the application is filed, the County Building Official shall determine if the proposed public building, commercial establishment, or multifamily residential dwelling consisting of four or more units meets the minimum requirements of this Code based on the information provided.

- a) If it is determined the proposed Construction or Substantial Improvement meets the requirements, then a permit will be issued after the collection of the appropriate fees outlined in Section 108.3.
- b) If it is determined that the proposed Construction or Substantial Improvement does not comply with the requirements of this Code, then the application package shall be returned to the applicant with an explanation of why it was not approved.

SECTION 104.4 - ISSUANCE OF PERMITS. When the County Building Official determines a permit shall be issued, the County Building Official shall issue the permit after the proper fee is collected. The permit shall be issued as an addendum to the development permit issued under the Regulations of Harris County, Texas for Flood Plain Management.

SECTION 104.5 - TERM OF PERMITS. Construction or Substantial Improvement must be started within 180 days of the date the permit is issued or the permit shall be null and void. Upon written request, two six-month extensions may be obtained.

PART 5 - PERMITTEE

SECTION 105.1 - RESPONSIBILITIES OF ALL PERMITTEES. All permit holders, must:

- a) post the permit on the jobsite in a place visible from the nearest road or street;
- b) post and maintain the street number on the jobsite in a place visible from the road or street and in a manner meeting the requirements of the standards for permanent numbers set forth in The International Fire Code Section 505.1; and
- c) allow the County Building Official or County Fire Marshal to inspect the work pursuant to a permit. The County Building Official or County Fire Marshal may make as many scheduled or unscheduled inspections as deemed necessary to enforce this Code.

All holders of a permit issued pursuant to this Code that wish to make a change to the proposed Construction or Substantial Improvement of the public building, commercial establishment, or multifamily residential dwelling consisting of four or more units or to perform any Construction or Substantial Improvement other than as authorized by the permit must submit supplemental drawings and/or specifications to the County Building Official for review. If the changes do not comply with this Code, the County Building Official shall not approve the change. If a change complies with this Code and is approved, a copy of the supplemental drawings and/or specifications shall be added to the permittee's file, and the County Building Official shall amend the permit.

SECTION 105.2 – INSPECTIONS

No person shall occupy a public building, a commercial establishment, or a multifamily residential dwelling consisting of four or more units that the County Engineer determines, after inspection, not to be in compliance with this Code unless and until a Certificate of Compliance is subsequently issued for such building, establishment or dwelling.

- a) The permittee shall ensure their Engineer, Architect, or International Code Council Certified Building Official (ICC-CBO) has made sufficient inspections so that they can complete the as-built certificate as outlined below.

- b) When the Construction or Substantial Improvement is complete and ready for occupancy, an as-built certification form supplied by the County Building Official must be completed, signed and sealed by a licensed engineer authorized to practice in the State of Texas, a registered architect authorized to practice in the State of Texas, or an ICC-CBO, indicating that, to the best of his or her knowledge, all the minimum requirements of this Code have been met. Receipt by the County Building Official of a completed, signed and sealed as-built certificate will serve as a request for final inspection.
- c) Once a completed, signed and sealed as-built certificate has been turned into the County Building Official, and the County Building Official determines, after a final occupancy inspection is conducted, that the Construction or Substantial Improvement complies with this Code, the County Building Official will issue a Certificate of Compliance. The County Building Official, at such time, will provide a release of final utilities to the appropriate utility company. Should the final inspection determine that the requirements of the code were not met; a conditional or partial Certificate of Compliance may be issued at the discretion of the fire code official. Should the County Engineer determine that the applicable certifications have not been provided and/or the provisions of Section 105.1 of this Code were not followed, then enforcement procedures as outlined in Part 7 shall commence.
- d) Should the County Building Official have to make additional inspections due to non-compliance with this Code, additional fees may be assessed as outlined in Section 108.3 hereof.

PART 6 - APPEALS AND HEARING PROCEDURES

SECTION 106.1 – APPEALS. If a permit applicant is denied a permit, the applicant may appeal the denial as provided in this Section. The term “appellant” is used to refer to the appealing party. An appellant must seek remedy under this procedure before seeking remedy in court. Application for a permit is deemed to be a waiver of the right to challenge this Code before exhausting remedies herein provided.

- a) To initiate an appeal an appellant must submit a written request for an exception to this Code to the Hearing Examiner who has been appointed by Commissioners Court.
- b) A Hearing Examiner appointed by Commissioners Court will set a time for a hearing, which will be scheduled as soon as practicable, preferably 15 days of the receipt of the written request, and shall prepare a Notice of Public Hearing naming the time and date of the hearing. Copies shall be distributed as follows:
 - 1. The original copy and the Certificate to Commissioners Court will be filed with the Clerk of Commissioners Court and the Clerk will prepare a file for the Hearing Notice.
 - 2. The Examiner will create a working or hearing file with one copy contained therein.
 - 3. The Examiner will give one copy to the Appellant.
 - 4. The Examiner will deliver one copy to the County Building Official and another copy to the Fire Marshal. The hearing will be conducted as provided in Section 106.2 below.
- (c) An appeal will not abate the decision of the County Building Official pending the decision of the Hearing Examiner.

SECTION 106.2 - HEARING BEFORE THE EXAMINER. At hearings before the Examiner, the Examiner will hear the testimony of the County Building Official and any witnesses called by the County Building Official. The Examiner will hear the testimony of the appellant and any witnesses called by the appellant. The Examiner will review all documents and exhibits submitted by the parties. The Examiner will not be bound by formal rules of evidence and will control the evidence, reserving the power to exclude testimony or exhibits he or she does not consider relevant. The Hearing Examiner will maintain an accurate record of the evidence adduced at the hearing.

SECTION 106.3 - FILING OF EXAMINER'S DECISION. The Examiner will prepare a written decision as soon as possible, preferably within three working days of the hearing. A copy of the decision will be filed with the Clerk of Commissioners Court, the members of the Commissioners Court, with the County Building Official, the County Engineer, and with the Fire Marshal. The original will be sent to the appellant's address shown on the permit or permit application. If a variance is granted, the County Building Official shall prepare the appropriate permit with any special requirements that may be required by the conditions of the variance.

SECTION 106.4 - REVIEW BY COMMISSIONERS COURT. If the County Engineer or the appellant wishes to appeal the Examiner's decision, a written objection must be filed with the Clerk of Commissioners Court within ten (10) days of the date the Examiner's decision is filed. The Clerk will notify the Hearing Examiner who will place the matter on the Agenda of Commissioners Court for review at the next meeting of Commissioners Court. If the objection is filed by the County Engineer, notice that the matter is on the Agenda will be sent to the appellant by mail at the appellant's address shown on the permit or application. Commissioners Court will review the matter. The Commissioners Court may either affirm or reverse the decision of the Hearing Examiner. The County Engineer's decision will remain in effect pending the review of Commissioners Court.

SECTION 106.5 – VARIANCES. If any person wishes an exception to any provision of this Code, that person shall request a variance in the manner prescribed for the filing of an appeal. The Hearing Examiner shall hold a hearing, and deny or grant the variance. Variances will be granted only if the following are met:

- a) the applicant has shown good and sufficient cause;
- b) it has been determined that failure to grant the variance would result in an exceptional hardship to the applicant;
- c) the granting of a variance will not result in an increased risk of fire, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud or victimization of the public; and
- d) variances shall only be issued upon a determination that a variance is the minimum necessary, considering the fire hazard, to afford relief.

Economic hardship shall not constitute the sole basis for granting a variance. A hearing before Commissioners Court regarding variances shall be requested in the manner provided in Section 106.4 of this Code. If a variance is granted a permit shall be issued and the permittee shall conform to all applicable provisions of this Code except the Sections for which a variance is granted.

PART 7 - ENFORCEMENT

SECTION 107.1 – ENFORCEMENT. If any person violates any provisions of this Code, the County Building Official may notify the County Attorney and request that the County Attorney take whatever action is necessary to remedy the violation, including but not limited to filing suit to enjoin the violation and/or seek a civil penalty under Texas Local Government Code § 233.067 of up to \$200 for each day a violation exists. If a violation continues, Harris County may file a Certificate of Non-Compliance in the Real Property Records of Harris County. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Harris County. A fee for this action will be charged in accordance with Section 108.3 of this Code. The violator shall bear this and all other costs of effecting compliance. Should the building be occupied without final occupancy inspection as required under this Code, the County Fire Marshal may file a complaint with the District Attorney's Office under Section 352.016 of the Texas Local Government Code.

SECTION 107.2 - VIOLATION OF CONDITIONS OF REGULATIONS. Any person having knowledge of a violation of this Code may file a complaint with the County Building Official or the County Fire Marshal.

SECTION 107.3 - CONTEMPT OF COMMISSIONERS COURT. Commissioners Court may punish contempt by fine or imprisonment in accordance with the provisions of Section 81.023, Texas Local Government Code, as amended. Any person securing a permit under this Code does so on the representation to Commissioners Court that he or she will comply with the terms of the permit and with these requirements and other County regulations. Violations of such representations to Commissioners Court constitute contempt of Commissioners Court.

Additionally, Commissioners Court has the power to enforce its Orders by civil contempt. If the Commissioners Court finds the defendant to be guilty of contempt, it will enter such Orders consistent with general law as it deems appropriate to punish the person guilty of contempt, and will enter such other and further Orders enforceable by civil and criminal contempt, and consistent with its authority under general laws, as Commissioners Court deems necessary to enforce and protect its jurisdiction over the matter, and to uphold the integrity of this Code. Procedures for contempt proceedings before Commissioners Court will be consistent with procedures in actions before other courts in this State for enforcement of Court Orders, and for the protection of the jurisdiction of Courts by the process of contempt.

PART 8 - FORMS AND RECORDS

SECTION 108.1 – FORMS. Forms to be used in the administration of this Code shall be promulgated by the County Building Official.

SECTION 108.2 - MAINTENANCE OF RECORDS. All applications for, and file copies of, permits must be maintained by the County Building Official for a retention period of three (3) years. Drawings and specifications on file with the County Building Official may be destroyed after completion of the structure.

SECTION 108.3 – FEES. Fees for permits and inspections are to be set by Commissioners Court. Fees shall be paid by any method approved by Commissioners Court. Should any payment be denied or returned for insufficient funds the permit(s) issued becomes null and void. Fees shall be paid at the time permit is delivered to the permittee unless other arrangements have been made and approved by the County Auditor. The fees are those published in the current fee schedule approved by Commissioners Court.

PART 9 – SEVERABILITY AND CONSTRUCTION

The provisions of this Code are severable. If any word, phrase, clause, sentence, section, provision, or part of this Code should be invalid or unconstitutional, it shall not affect the validity of the remaining portions and it is hereby declared to be the intent of the Commissioners Court that this Code would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of this Code might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

EXHIBIT A

ADDITIONS, INSERTIONS, DELETION AND CHANGES TO INTERNATIONAL FIRE CODE

2006 EDITION

Chapter 1 is deleted in its entirety and is replaced by Part 1, Administration and Preliminary Provisions, of the Harris County Fire Code as adopted by Harris County and to which this Exhibit is attached is substituted in its place. Notwithstanding any other provision of the Harris County Fire Code which might otherwise be interpreted to the contrary, the Harris County Fire Code shall not be construed as requiring any license or permit not specifically required by Chapter 1 unless required by other applicable law.

The definitions of **Fire Chief**, **Fire Code Official**, **Occupancy Classification** in Section 202 are amended to read (with additions shown by underlining and deletions shown by being struck through):

FIRE CHIEF. The Harris County Fire Marshal.

FIRE CODE OFFICIAL. The “County Building Official” as defined in Section 102.4 of the Harris County Fire Code as adopted by Harris County and to which this Exhibit is attached is substituted in its place.

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living facilities

Congregate care facilities

Convalescent facilities

Group homes

Half-way houses

Residential board and care facilities

Social rehabilitation facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code, or applicable State and Federal requirements. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.”

A residential facility such as the above with at least four and not more than 16 persons(see **RESIDENTIAL BOARD AND CARE** in Part 2) shall comply with Section 20.5 of *NFPA 1, Fire Code*, 2009, Edition.

Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Hospitals

Nursing homes (both intermediate care facilities and skilled nursing facilities)

Mental hospitals

Detoxification facilities.

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code, or applicable State and Federal requirements. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.”

A child care facility which provides care on a 24-hour basis to more than five children 2 1 /2 years of age or less shall be classified as Group I-2.

A residential facility such as the above with at least four and not more than 16 persons(see **RESIDENTIAL BOARD AND CARE** in Part 2) shall comply with Section 20.5 of *NFPA 1, Fire Code*, 2009, Edition.

Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code, or applicable State and Federal requirements. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.” Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

Exception: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff the facility shall be classified as Group A-3.

Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

Exception: A child day care facility which provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Group R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503 of the International Building Code or shall comply with the International Residential Code, or applicable State and Federal requirements. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.”

Section 316.1 is added, to read as follows:

316.1 General. Mobile food vendors and festivals shall be in accordance with FMO Standard 316-01.

Section 506 is amended to read as follows:

SECTION 506 -- LOCK BOXES

Sections 506.1, 506.1.1, and 506.2 are amended to read as follows:

506.1 Where required. Lock boxes of an approved type are required for all gated communities and multi-unit housing projects in accordance with Harris County Development Permit requirements.

506.1.1. Locks. Deleted in its entirety.

506.2 Key Box Maintenance. Deleted in its entirety.

Section 508.1 is amended to read as follows:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. A water supply as otherwise required by this section will not be required if the responsible emergency services district or fire department provides a letter stating they can provide sufficient fire flow for the specific project.

Sections 601.1 is amended and 601.1.1 is added, to read as follows:

601.1 Scope. The provisions of this chapter shall apply to the installation, operation and maintenance of fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevator recall, stationary lead-acid battery systems and commercial kitchen hoods. Such design and construction shall comply with this section and the appropriate State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulations.”

601.1.1 Conflict between provisions. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.

Sections 701.2 is added, to read as follows:

701.2 Identification. Construction and/or extension of all fire-resistance-rated construction (including walls, shaft enclosures, partitions, and smoke barriers) shall have signs or stenciling

permanently installed above any decorative ceiling and/or in concealed spaces. The lettering shall be 2 inches in height and spaced every 12 feet. The following wording is recommended, “_____ HOUR FIRE AND SMOKE WALL -- PROTECT ALL PENETRATIONS”

Section 903.2.1.2 is amended to read as follows:

Section 903.2.1.2 Group A-2. Automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465 m²);
2. The fire area has an occupant load of 300 or more;
3. The fire area is located on a floor other than the level of exit discharge; or
4. The fire area has an occupant load of 100 or more where alcoholic beverages are consumed.

Section 903.4.2 is amended to read as follows:

Section 903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Actuation of the automatic sprinkler system shall actuate the building fire alarm system. Actuation of the building fire alarm system shall meet the requirements of 903.4.1 and provide occupant notification in accordance with section 907.10 in all areas under the protection of the automatic sprinkler system.

Sections 907.2 and 907.2.12.1 are amended, and Sections 907.3.1.9, 907.3.1.9.1 and 907.3.1.9.2 are added, to read as follows:

907.2 Where required—new buildings and structures. An approved manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.10, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance with section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.

All manual, automatic or manual and automatic fire alarm systems shall also include smoke detectors in each mechanical equipment, electrical, transformer, telephone equipment, corridors, lobbies, storage rooms larger than 200 square feet, elevator machine rooms, and in elevator lobbies.

907.2.12.1 Automatic fire detection. Smoke detectors shall be provided in accordance with this section. Smoke detectors shall be connected to an automatic fire alarm system. The activation of

any detector required by this section shall operate the emergency voice/alarm communication system. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room which is not provided with sprinkler protection, corridors, lobbies, storage rooms larger than 200 square feet, elevator machine rooms, and in elevator lobbies.

907.3.1.9 Group A. A manual fire alarm system shall be installed in accordance with NFPA 72 in Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system and the alarm notification appliances will activate upon sprinkler water flow.

907.3.1.9.1 System initiation in Group A occupancies with an occupant load of 1,000 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with NFPA 72.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

907.3.1.9.2 Emergency power. Emergency voice/alarm communications systems shall be provided with an approved emergency power source.

Sections 910.2.1 910.3.5 are amended, to read as follows:

Section 910.2.1 Groups F-1 and S-1. Buildings and portions thereof used as a Group F-1 or S-1 occupancy having more than 50,000 square feet (4645 m²) of undivided area.

Exceptions:

1. Group S-1 aircraft repair hangars.

910.3.5 Draft curtains. Where required, draft curtains shall be provided in accordance with this section.

Exceptions:

1. Where areas of buildings are equipped with ESFR sprinklers, draft curtains shall not be provided within these areas. Draft curtains shall only be provided at the separation between the ESFR sprinklers and the conventional sprinklers.

Sections 912.2.1 and 912.2.2 are amended, to read as follows:

912.2.1 Visible location. Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.

912.2.2 The fire department connection shall be indicated by an approved sign mounted on the street front, or on the side of the building, or other approved location. Such sign shall have the letters "FDC" at least 6 inches (152 mm) high and other words in letters at least 2 inches (51 mm)

high or an arrow to indicate the location. Letters and numbers shall be White in color with a Red background.

Section 1908 is amended by the addition of Section 1908.11, to read as follows:

1908.11 Fire Marshal's Authority. The Harris County Fire Marshal shall not be held to the standards set forth in this Section 1908 in his review, pursuant to the rules of the Texas Commission on Environmental Quality, of fire suppression plans submitted to him by waste and recycling facilities, and the Harris County Fire Marshal shall be authorized to adopt any standards that he may design for the purpose of such reviews.

Section 3204.3.1.1 is amended as follows:

3204.3.1.1 Location. Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Section 3308.11 is deleted in its entirety.

Section 3309 is amended, to read as follows, with the entire section being an addition to the Fire Code:

SECTION 3309

FIREWORKS 1.4G RETAIL STORAGE, DISPLAY, AND SALE

In addition to other provisions of the Harris County Fire Code, these sections apply:	APPLICABLE SECTIONS			
	3309.1	3309.2	3309.3	3309.4
STANDS only	X	X	X	
ALL EXCEPT STANDS, including BULK or HIGH PILE	X	X		X

3309.1 General. The sale, storage, and display of Fireworks 1.4G is subject to the authority of the Harris County Fire Marshal, including the authority to inspect, determine the presence of fire hazards, and order correction pursuant to TEXAS LOCAL GOVERNMENT CODE, CHAPTER 352.016.

3309.1.1 Applicability. This Section 3309 provides standards for the design and construction of buildings in which Fireworks 1.4G are to be stored, sold, and/or displayed. **Such design and construction shall comply with this section and the Texas Fireworks Rules, current edition, as promulgated by the Texas State Fire Marshal.**

- a. **Compliance with Fire Code.** All structures used for the storage or sale of consumer fireworks 1.4G shall comply with the applicable provisions of the Harris County Fire Code for new structures, and with applicable sections of this sub-section.
- b. **Fire Code Permit and Certificate of Compliance.** Any structure that is erected, occupied, or moved into or within the jurisdiction, is considered new construction, and requires a Fire Code permit and a Certificate of Compliance.
- c. **Definitions.**

Temporary Structure. Any structure that is erected, occupied, or moved into or within the jurisdiction, for a period of less than 180 days.

Permanent Structure. Any structure that is erected, or moved into or within the jurisdiction, for a period of more than 180 days.

Fireworks Control Area. Spaces within a building where quantities of fireworks 1.4G, not exceeding the maximum allowable quantities, are stored, dispensed, used or handled.

3309.1.2 Conflict between provisions. If there is a conflict between the provisions of this section and the Fireworks Rules, the more stringent of the provisions shall apply.

3309.1.3 Limit of authority. This section does not limit the authority of the Fire Marshal to inspect any retail site location or storage facility to require additional fire protection measures.

3309.1.4 Existing Facilities and Conditions. Except as specifically allowed in this section, existing facilities and conditions which do not comply with the provisions of this chapter shall come into compliance within the following time:

- a. Retail fireworks stands – October 1, 2008
- b. Retail sales sites other than stands – February 1, 2009

3309.2 Requirements for All Retail Sales, Display and Storage Sites and Facilities. All Fireworks 1.4G retail sales sites, storage buildings, and control areas, including temporary storage facilities such as trailers, semi-trailers, or metal shipping containers must conform to the minimum standards of this section.

3309.2.1. General requirements.

3309.2.1.1 Change of Occupancy. Storing Fireworks 1.4G in a building for which a Permit and Certificate of Compliance has not been issued under this Code specifically in a manner not described in the application for Permit for such building shall be considered a change of occupancy.

3309.2.1.2 Physical address and emergency contact information. All retail sales sites and storage facilities must have the physical address and a 24-hour emergency contact number prominently posted on the outside of each site, close to the main entrance, in numbers at least 4 inches in height and ½ inch stroke in width on a contrasting background, and visible from the street or road fronting the property.

3309.2.1.3 Residential Storage. Fireworks 1.4G retail storage buildings shall not be used for residential occupancies. Use of a residential building for the storage of fireworks in excess of 125 pounds of pyrotechnic material shall be considered a change in occupancy.

3309.2.1.4 Maximum allowable quantity. No more than 125 pounds of pyrotechnic material may be stored and/or displayed in any control area. In the absence of documentation approved by the Fire Marshal, 25% of the gross weight of the fireworks, including all packaging, will be used to determine the 125 pound limitation.

- 4.1. The maximum allowable quantities can be increased 100 percent if the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.
- 4.2. The maximum allowable quantities may be greater than allowed by this section, subject to approval by the County Fire Marshal, if the building meets all requirements for a Group H-3 occupancy and Section 3309.4.
- 4.3. The aggregate quantity in use and storage shall not exceed the quantity listed for storage in the Application for Permit.

3309.2.1.5 Minimum separation distances. Except as specified elsewhere in this section, structures shall be located in accordance with the requirements of Table 3309.2.1.5.

Exception: Trailers, semi trailers, and metal containers used for storage only must be separated by at least 50 ft from any building or structure other than other trailers, semi trailers, or metal shipping containers. There is no minimum distance between multiple trailers, semi trailers, or metal shipping containers when used for storage only.

Exception: Permanent facilities permitted before January 1, 2005 may be separated from adjacent buildings by less than 20 ft if they are separated by a wall with a 1-hour fire resistance rating, provided existing facilities are not enlarged or expanded.

**Table 3309.2.1.5 Minimum Separation Distances of Fireworks 1.4G Retail Sales
Buildings, including Trailers, Semi-trailers, and Metal Shipping Containers**

Type of structure	Minimum distance
From other trailers, semi-trailers, and metal shipping containers used ONLY for storage of consumer fireworks	0 ft
From other stands	5 ft
From vehicle parking	10 ft
From other buildings ¹	20 ft
From combustibles	30 ft
From cooking equipment of any type, or any open flame equipment	50 ft
Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas	
Motor vehicle fuel-dispensing station dispensers	100 ft
Retail propane-dispensing station dispensers	
Compressed natural gas dispensing facilities	
Aboveground bulk storage or bulk dispensing area for flammable or combustible liquid, OR	300 ft
Aboveground bulk storage or bulk dispensing area for flammable gas or flammable liquefied gas	
¹ If maximum quantity of pyrotechnic material per control area is greater than 125-lbs, refer to Table 3309.4.1.6.	

3309.2.2 Building Services. All building services in Fireworks 1.4G retail sales and storage buildings must comply with the provisions of this section.

3309.2.2.1 Electrical work. Electrical work performed in an unincorporated area of the state must be installed in accordance with the requirements of the Texas Electrical Code.

3309.2.2.2 Required listing. All electrical equipment, battery-powered equipment, and electrical cords shall be listed and shall be used in accordance with their listing.

3309.2.2.3 Temporary Power. The Fire Code Official is authorized to give permission to temporarily supply and use power for up to 180 days.

3309.2.2.4 Temporary electrical conductors. All temporary conductors shall comply with the Texas Electrical Code.

3309.2.2.5 Light fixture guards. All incandescent light fixtures within 25 ft of any consumer fireworks shall have metal or plastic guards. All fluorescent light fixtures within 25 ft of any consumer fireworks shall have plastic tube guards with caps or metal guards or plastic lens covers.

3309.2.2.6 Portable generators. Portable generators supplying power to consumer fireworks retail sales facilities shall comply with this section.

- 6.1 Portable generators shall be located not less than 20 ft from the consumer fireworks retail sales facility and in an area free from grass, trash, and other combustible flammable materials.

- 6.2 Generator fuel shall be stored in an approved safety container at least 20 ft from the consumer fireworks retail sales facility. If the fuel is located less than 50 feet from the sales facility, the quantity shall be limited to not more than 5 gal. Where the generator fuel storage is located at least 50 ft from the consumer fireworks retail sales facility, the quantity of such fuel is not limited.

3309.2.2.7. Internal Combustion Engines. Internal combustion engines shall not be operated inside a retail sales site. Fuels for internal combustion engines will not be stored inside a retail sales site.

3309.2.3 Means of Egress. Means of egress including, but not limited to aisles, doors, and exit discharge, shall be clear at all times when the facility or the building is occupied.

3309.2.3.1 Semi-Trailers and Shipping Containers. Trailers, Semi-trailers, and Metal Shipping Containers that are not normally occupied shall be permitted to be locked during operation. Panic hardware on exit doors shall not be required. Where an aisle is provided, the aisle shall be not less than 28 inches in clear width.

3309.2.4 Fire Protection. All Fireworks 1.4G retail sales and storage facilities must comply with this section.

3309.2.4.1 Approved storage. Finished consumer fireworks at a manufacturing or distribution facility, or retail sales site, may be stored in approved buildings, trailers, semi trailers, metal shipping containers, or magazines.

3309.2.4.2 Fire lane access. Any portion of an exterior wall of a building, or other defined perimeter of a consumer fireworks retail sales facility, shall be accessible within 150 ft of a public way or an approved fire apparatus access.

3309.2.4.3 Fireworks accessibility. All sales and display areas shall be designed to prohibit ready access by the public.

3309.2.4.4 External Fire Protection. Each retail sites shall be designed to provide protection against small exterior fires.

- 4.1 An area of at least 30 feet in width on all sides of a retail fireworks site shall be kept free of high grass, empty cardboard boxes, and trash.
- 4.2 Each retail sales site shall have equipment or supplies capable of extinguishing small exterior fires that could threaten the retail sales site.

3309.2.4.5 Portable Fire Extinguishers. Each retail sales site must have portable fire extinguishers in accordance with this section. All fire extinguishers shall be inspected by a Texas licensed fire extinguisher contractor annually and have a current inspection tag attached or a receipt indicating the fire extinguisher was purchased within the last 12 months.

- 5.1 At least one portable fire extinguisher having a minimum 2A rating shall be located within 75 ft of trailers, semi-trailers, or shipping containers used for storage.
- 5.2 Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.
- 5.3 If a portable generator is used, a portable fire extinguisher rated to at least 6:BC shall be immediately available and shall be located within 75 ft of the generator.
- 5.4 Temporary consumer fireworks retail sales stands of less than 200 sq ft shall be required to have at least one portable fire extinguisher, with a minimum 1A rating, located in the stand.

3309.2.4.6. Interior decorations. No more than 10% of the interior surface may be covered with combustible material such as posters, signs, and decorations.

3309.2.4.7 Smoking or Open Flame Devices. Smoking is not permitted inside or within 50 ft of the consumer fireworks retail sales or storage area.

3309.2.4.8 Signs. Signs complying with this section shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale, including storage areas.

- 8.1 “FIREWORKS — NO SMOKING” signs, in letters not less than four inches high and ½-inch stroke in width on a contrasting background, shall be conspicuously posted on the exterior of each side of any fireworks 1.4G retail sales facility, on the inside and outside of each entrance door, at several locations inside and outside any fireworks 1.4G retail sales facility, AND within 10 ft of every aisle directly serving the fireworks 1.4G retail sales area in a store.
- 8.2 “NO FIREWORKS DISCHARGE WITHIN 300 FEET” signs, in letters not less than 4 inches high and ½-inch stroke in width on a contrasting background, shall be conspicuously posted on the exterior of each side of any fireworks 1.4G retail sales facility.

3309.2.4.9 Design of Fireworks Storage Areas. Consumer fireworks storage areas shall be designed and constructed in accordance with NFPA 230, Standard for the Fire Protection of Storage as follows:

- 9.1 Exterior door and window openings in consumer fireworks storage buildings shall be equipped with a means for locking.
- 9.2 Shelves and other storage areas shall provide storage for consumer fireworks in DOT approved packaging;
- 9.3 Cartons shall be stacked neatly and in a stable manner; and
- 9.4 Consumer fireworks returned to these buildings shall be permitted to be stored temporarily in non-DOT cartons until repackaging or repacking can be performed.

3309.2.4.10 Motor Vehicle Parking. Parking areas shall be designed to prevent a motor vehicle from being parked within 10 ft of a consumer fireworks retail sales facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.

Section 3309.3 Specific Requirements for Retail Stands for Fireworks 1.4G. A retail fireworks stand is defined as “any retail sales site where the interior is not accessible to the public”.

3309.3.1 General Requirements

3309.3.1.1 Construction. Stands shall be constructed of wood, metal, masonry, or concrete, or combinations thereof.

3309.3.1.2 Maximum display height. The maximum height of sales displays shall be limited to 8 ft. as measured from the stand floor.

3309.3.1.3 Fireworks Accessibility. The stand design shall prevent the fireworks from being handled by persons other than those operating, supervising, or working in the stand.

3309.3.2 Building Services. All building services in Fireworks 1.4G retail stands must comply with the provisions of this section.

3309.3.2.1 Electrical service. Electrical service to the stand shall be installed in accordance with the Texas Electrical Code.

3309.3.2.2. Master switch. Each stand that utilizes electricity shall have an approved master electrical switch located near an exit door which interrupts all electric supply to devices and equipment located inside, on, and connected to the stand.

3309.3.2.3 Electrical equipment and wiring. All electrical wiring, equipment, light fixtures, and devices both inside and outside the stand, shall meet Texas Electrical Code requirements and shall be maintained to prevent electrical hazards.

3309.3.2.4 Splices. Splices in electrical wiring servicing equipment and devices inside the stand shall be enclosed in junction boxes.

3309.3.2.5 Prohibited electrical components. Drop cords with lights, extension cords, or bare wiring shall not be used in any manner inside a retail stand.

3309.3.3 Means of Egress. All exits and aisles in a retail stand must comply with this section. Customers shall not be permitted inside a consumer fireworks retail sales stand.

3309.3.3.1 Minimum number of exits. Each stand less than 16 feet in length shall have at least one walk door which opens outward, in a location approved by the Fire Marshal. Stands measuring 16 feet or longer must have at least two walk doors which open outward, in locations approved by the Fire Marshal.

3309.3.3.2 Maximum travel distance. Exits provided for all fireworks retail sales stands shall be arranged so that the maximum egress travel distance does not exceed 35 ft.

3309.3.3.3. Exit door (walk door) requirements. The minimum dimensions of any walk door are 28 inches wide X 72 inches high. Walk doors must not be locked from the outside when the stand is occupied, and must be immediately accessible from the inside.

3309.3.3.4 Minimum Aisle Width. A minimum distance of six feet shall be maintained from the front of the customer counter to the back side of the stand. The minimum clear exit aisle width is 28 inches.

3309.3.3.5 Exit signs. Exit signs shall not be required in all consumer fireworks retail sales stands where the interior is not accessible to the public.

3309.3.3.6 Emergency Lighting. Emergency lighting shall not be required in all consumer fireworks retail sales stands where the interior is not accessible to the public.

3309.3.4 Fire Protection. All Fireworks 1.4G retail stands must comply with this section.

3309.3.4.1 Smoke detectors. Each stand will have an operational smoke detector in each sales area. If sleeping or rest areas are provided in the stand, there must be one smoke detector in each sales area and one in each sleeping or rest area.

3309.3.4.2 Portable Space Heaters. Only heaters that do not produce open flames or those with no exposed heating elements are allowed in stands. Electric heaters shall be equipped with a tip-over switch and temperature-overheat protection.

3309.3.4.3 Cooking equipment. Cooking equipment of any type, or any open-flame equipment, shall not be permitted within 50 ft of all stands, trailers, or shipping containers used for the storage or sale of consumer fireworks.

3309.3.4.4 Security. If the fireworks stand is used for the unattended storage of Fireworks 1.4G, it must be equipped with suitable locking devices to prevent unauthorized entry.

3309.3.4.5 Storage areas. Vacuum cleaners or other mechanical cleaning devices shall not be present inside a stand where fireworks are stored. Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of non-sparking materials.

3309.3.4.6 Damaged goods storage. Each stand shall have an area to store damaged fireworks that allows them to be removed and not offered for sale. Damaged consumer fireworks shall be permitted to be returned to the dealer or shall be disposed of properly.

3309.3.4.7 Retail stand fireworks control areas. In Fireworks 1.4G retail stands, a flame break approved by the Fire Marshal, may be installed every 8-10 feet to establish retail stand fireworks control areas. No more than the amount of pyrotechnic material listed in Section 3309.2.1.4 may be stored and/or displayed in any retail stand fireworks control area.

3309.3.4.8 Approved Flame Break. An approved flame break, of not less than 3/4 inch plywood, shall be used to separate retail stand fireworks control areas. Separation shall begin at the back wall and extend to the furthest shelf point, and from the floor to the underside of roof. Fire caulking shall be applied at all penetrations and adjoining points along the 3/4 inch plywood separation.

3309.4 Specific Requirements for Retail Fireworks Sites Other Than Stands

3309.4.1 General requirements. All indoor retail fireworks sites and storage facilities, other than stands, shall comply with the requirements of this section.

3309.4.1.1 Applicability. The requirements of this section shall apply to any indoor retail sales or storage location, including those with:

- 1.1 More than 125 pounds of pyrotechnics materials¹;
- 1.2 Storage or display of fireworks 1.4G in excess of 12 ft. in height;
- 1.3 Storage of fireworks 1.4G at manufacturing and distribution facilities; or
- 1.4 Storage or display of fireworks 1.4G in any temporary or permanent buildings, structures, trailers, semi-trailers, and metal shipping containers, or control areas that meet the definition of BULK STORAGE / MERCHANDISING, or HIGH-PILED STORAGE.

3309.4.1.2 Building Design. The retail fireworks sales building shall be a free standing, durable structure with no basement, and only one story of space accessible to the public.

3309.4.1.3 Multi-use building prohibited. The fireworks sales area shall not be part of a multi-use or multi-tenant building, except that office areas and restrooms ancillary to the building are allowed if:

- 3.1 Offices and related spaces are separated from fireworks storage or sales areas by fire barriers having a fire resistance rating of not less than 1 hour; and

¹ In the absence of documentation approved by the Fire Marshal, 25% of the gross weight of the fireworks, including all packaging, will be used to determine the 125 pound limitation.

- 3.2 Door and window openings in the fire barrier wall are protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 3/4 hour, and installed in accordance with NFPA 80, Standard for Fire Doors and Fire Windows.

3309.4.1.4 Assembly and Educational Occupancies Prohibited. Assembly or educational occupancies cannot be used for the storage or sale of fireworks 1.4G.

3309.4.1.5 Plans. Permit Applications shall include, but shall not be limited to, plans sealed by a licensed engineer or architect. For all retail sales sites other than stands, the site plan must indicate:

- 5.1 The address or location of the site;
- 5.2 The name of the person to whom the permit is issued;
- 5.3 The outline and length of all building exterior walls;
- 5.4 The floor area, location, and dimensions used for fireworks sales;
- 5.5 The floor area, location, and dimensions used for fireworks storage outside the sales area;
- 5.6 The floor area, location, and dimensions used for other than fireworks sales and storage;
- 5.7 The general location, description, and distances from the exterior walls to all buildings, fireworks storage magazines, highways, and equipment for storage or dispensing of flammable liquids or compressed gas;
- 5.8 The location of the master electrical cut-off switch;
- 5.9 The location and width of all building doors and paths of egress; and
- 5.10 The maximum estimated number of cases to be stored or displayed for sale in the site.

3309.4.1.6. Minimum distance requirements. Consumer fireworks storage or work buildings shall be separated from other buildings and property lines as shown in Table 3309.4.1.6.

Exceptions:

- 1. Consumer fireworks storage or work buildings shall be separated from magazines and process buildings by the distances specified in NFPA 1124, Table 4.8.3.
- 2. Facilities in existence and continuously permitted before January 1, 2005 are exempt from compliance, provided such facilities are not enlarged or expanded beyond their January 1, 2005 operation.
- 3. An office area used for the operation of the site, separated by a one-hour fire rated wall from the fireworks sales or storage area, may be exempt from the distance requirements after it is reported to, and reviewed by, the Fire Marshal.

Table 3309.4.1.6 Minimum Separation Distances of Fireworks 1.4G, Processing Buildings, and Fireworks Storage Buildings from Inhabited Buildings, Passenger Railways, and Public Highways

Net Weight Of Fireworks 1.4G, lbs ¹	Distance in Feet from:		
	Passenger Rail and Highways	Inhabited Buildings	Property Lines
200	50	60	30

400	50	70	35
600	50	80	40
800	50	90	45
1,000	50	100	50
2,000	58	115	60
3,000	62	124	62
4,000	65	130	65
5,000	68	135	68
6,000	70	139	70
8,000	73	140	73
10,000 or more	Contact HCFMO		
¹ By actual manufacturer-supplied data. In absence of net weight, 25% of the gross weight shall be used.			

3309.4.1.7 Emergency Response Plan. The operator of each indoor retail sales site or storage facility shall prepare a written emergency response plan in accordance with Chapter 4 of this Code. The evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility.

3309.4.1.8 Maximum Occupant Load. The approved maximum occupant load shall be conspicuously posted near the main entrance using a format approved by the Fire Marshal. Records of occupant load will be maintained onsite and available for inspection by the Fire Marshal.

3309.4.2 Building Services. All building services in Fireworks 1.4G retail sales facilities other than stands must comply with the provisions of this section.

3309.4.2.1 Electrical fixtures and wiring. Electrical fixtures and wiring shall comply with the Texas Electrical Code.

3309.4.2.2. Master Switch. An outside electrical master switch shall be provided at each retail location.

3309.4.2.3 Extension cords and power strips. Extension cords, or other flexible cords and cables, shall not be used in place of permanent or fixed wiring. Further:

- 3.1 Where approved, an extension cord may be used to extend power to a single appliance or single power strip.
- 3.2 An extension cord providing power to a power strip shall be of the same or greater wire gauge.
- 3.3 Extension cords and power strips shall be protected from accidental damage by foot traffic, vehicles, or other means.
- 3.4 Extension cords and power strips cannot be located where the public could walk over them.
- 3.5 Power strips used for multiple appliances must contain an internal circuit breaker.

3309.4.3 Means of Egress. All means of egress in consumer fireworks retail sales facilities, other than stands, shall comply with the applicable requirements of this section.

Exception: Trailers and Containers. Trailers, semi trailers, and metal shipping containers that are not normally occupied shall not be required to comply with local codes with regard to means of egress.

3309.4.3.1 Minimum number of exits. The minimum number of exits provided from the retail sales area shall be not less than three, or more as determined in accordance with this Code.

3309.4.3.2 Maximum travel distance. Exits provided for the retail sales area of consumer fireworks retail sales facilities, other than stands, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel, does not exceed 75 ft.

3309.4.3.3 Minimum aisle width. Aisles shall have a minimum clear width of 48 inches. Aisles and exit doors shall be kept free of any obstruction.

3309.4.3.4 Minimum exit door width. The minimum egress door width shall be not less than 36 inches in width and will provide a minimum clear opening width of 32 inches.

3309.4.3.5 Egress door swing. Unless approved by the Fire Marshal, all egress doors shall be of the side-hinge swinging type and shall be arranged to swing in the direction of egress travel.

3309.4.3.6 Panic hardware. Every egress door that has a latching device shall be provided with approved panic hardware.

3309.4.3.7 Roll-up, or lift, doors. Roll-up or lift doors may be used as egress doors when:

- 6.1 There is a readily distinguishable device that secures each door in the open position whenever the building is occupied.
- 6.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background,
- 6.3 No more than 50% of all egress doors may be roll-up or lift type. At least 50% of all doors must swing in the direction of travel.

3309.4.3.8 Exit Door Locks. Exit doors shall be unlocked when the building is occupied; otherwise, doors shall be locked for security. All exit doors equipped with locks shall have a sign that reads "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" conspicuously posted near the door.

3309.4.3.9 Exit signs. All exits shall be marked by an approved exit sign.

3309.4.3.10 Egress illumination. The means of egress illumination, including the exit discharge for consumer fireworks storage or work buildings or areas, shall be in accordance with Chapter 10 of this Code.

3309.4.4 Fire Protection. All Fireworks 1.4G retail sales facilities, other than stands, must comply with this section.

3309.4.4.1 General Fire Protection.

- 1.1 **Fire access.** Any portion of an exterior wall of a building or other defined perimeter of a consumer fireworks storage facility shall be accessible within 150 ft of a public way or an approved fire apparatus access.
- 1.2 **Exterior Fire Protection.** Each retail site shall be designed to provide protection against small exterior fires. The land surrounding an indoor retail or storage site shall be kept clear of brush, dried grass, leaves, and similar combustibles for a distance of at least 30 feet.
- 1.3 **Interior Fire Protection.**
 1. Any openings or penetrations in the fire barrier wall other than exit doors shall be protected in accordance with Chapter 7 of this Code.
 2. Facilities shall be designed so that the rays of the sun shall not come in contact with or shine through glass directly upon fireworks stored in the facility. Skylights which diffuse sun rays are permitted.
 3. No stoves, cooking equipment, exposed flames, or portable heaters shall be present in any part of a retail sales or storage building. Heating of storage or sales areas shall be by means of steam, indirect hot air radiation, or hot water.
 4. The facility must be designed to provide removal of trash, rubbish, and unused boxes from the sales, storage, and adjacent areas daily, to prevent unsafe accumulation. Small quantities stored in an orderly manner for reuse are allowed.
 5. All trash containers shall be metal or heavy plastic, and be located 10 feet from any displayed or stored fireworks.
 6. Access to fireworks when stored in a separate and distinct area away from general fireworks sales shall be restricted to employees only.
- 1.4 **Sales Area Design.**
 1. Fireworks sales display areas shall be sufficiently designed to prevent customers from handling fireworks, unless an attendant is directly assisting the customer.
 1. Fireworks in the sales area shall be limited to the displayed merchandise unless stored in closed, original DOT approved packaging not accessible to the public.
 2. Sales display areas must include a continuous durable restraint around displayed fireworks separating the customers from all merchandise. The height, weight, and stability of the restraint must be designed to prevent individuals from penetrating the barrier.
 3. Fireworks sales and storage areas shall be designed to prevent the placement of fireworks within 5 ft of any public entrance or exit in an enclosed building or structure.
 2. The sales area shall be designed and constructed so that fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public.
 1. Partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft in height above the floor surface inside the perimeter of the retail sales area.

2. Display areas shall be designed and constructed such that merchandise on display or located on shelves or counters or other fixtures will not be displayed to a height greater than 6 ft in height above the floor surface within the retail sales area.
3. Where located along the perimeter of the retail sales area, the maximum height of sales displays shall be limited to 12 ft.

Exception: Where approved by the County Fire Official, the maximum height of sales displays may exceed 12 ft., but only in accordance with this section and Chapter 23 of this Code.

3. Display areas shall be designed and constructed in a manner that will limit travel distance of ejected pyrotechnic components of ignition of the fireworks occurs.
 1. Shelving must be designed and installed to allow a minimum of 24-inch clearance between stored or displayed materials and any ceiling (minimum of 18 in. for fully sprinklered areas or buildings).
 2. Display areas shall be designed and constructed such that combustible materials and merchandise will not be stored directly above the consumer fireworks in retail sales displays unless a horizontal barrier is installed directly above the consumer fireworks as prescribed in 7.4.1(e) of NFPA 430, Code for the Storage of Liquid and Solid Oxidizers.
 3. Where continuous displays of merchandise are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided in accordance with NFPA 1124.
4. Only fireworks 1.4G with approved covered or safety fuses shall be permitted in a facility in which the retail sales of consumer fireworks are conducted. Only fireworks in the original and undamaged packaging shall be displayed.

3309.4.4.2 Portable fire extinguishers. Portable fire extinguishers shall be specified as required for extra (high) hazard occupancy in accordance with NFPA 10, Standard for Portable Fire Extinguishers.

- 2.1 Every indoor retail sales building shall have not less than two portable fire extinguishers with a minimum 2A rating. At least one approved Class A fire extinguisher shall be provided for each 1,000 square feet of floor space.
- 2.2 Portable fire extinguishers for indoor retail sales facilities shall be located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 75 ft as specified in NFPA 10.

3309.4.4.3 Fire alarm system. A fire alarm system, installed in accordance with NFPA 72, shall be required in all consumer fireworks retail sales facilities. Facilities less than 3,000 sq ft in area AND in existence and continuously permitted before January 1, 2005 are exempt from compliance, provided such facilities are not enlarged or expanded beyond their January 1, 2005 operation.

3309.4.4.4 Automatic sprinkler system. An automatic sprinkler system shall be required in all consumer fireworks retail sales facilities. Facilities less than 6,000 sq ft in area AND in existence and continuously permitted before January 1, 2005 are exempt from compliance, provided such facilities are not enlarged or expanded beyond their January 1, 2005 operation.

- 4.1 All automatic sprinkler systems shall be installed in accordance with NFPA 13 for Bulk and High-Pile Storage.

- 4.2 The water flow alarm device shall be arranged to activate audible and visual alarms throughout the facility in accordance with Chapter 9 of this Code.
- 4.3 Storage rooms shall be protected with an automatic sprinkler system installed in accordance with NFPA 13, or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.
- 4.4 For sprinkler design considerations, Fireworks 1.4G stored and sealed in DOT approved packaging shall be considered as a Class IV commodity. Fireworks 1.4G, NOT stored and sealed in DOT approved packaging, shall be classified as a high hazard commodity.

3309.4.4.5 Smoke control. All sites must have a minimum average ceiling height of 12 ft. Smoke and heat vents designed and installed in accordance with NFPA 204, Standard for Smoke and Heat Venting shall be provided in consumer fireworks storage buildings. Facilities less than 50,000 sq ft in area AND in existence and continuously permitted before January 1, 2005 are exempt from compliance, provided such facilities are not enlarged or expanded beyond their January 1, 2005 operation.

Sections 3404.2.9.5.1 and 3406.2.4.4 are deleted in their entirety.

Section 3405.2.4.4 is deleted in its entirety.

The opening paragraph to Chapter 45 is amended as follows:

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, effective date and title, and the section or sections of this document that reference the standard. If the State of Texas has adopted any of the listed standards, the more stringent and/or more current standard of the provisions shall apply.

The following Appendices to the International Fire Code, 2006 Edition, are adopted, as indicated:

Appendix B, FIRE-FLOW REQUIREMENTS FOR BUILDINGS is adopted in its entirety

Appendix C, FIRE HYDRANT LOCATIONS AND DISTRIBUTION is adopted, except as follows:

SECTION C103

NUMBER OF FIRE HYDRANTS

C103.1 Fire hydrants available. The minimum number of fire hydrants available to a building shall not be less than that listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

SECTION C105

DISTRIBUTION OF FIRE HYDRANTS

C105.1 Hydrant Spacing. The average spacing between fire hydrants shall not exceed that listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located.

Appendix D, FIRE ACCESS LANES is adopted in its entirety

Appendix F, HAZARD RANKING is adopted in its entirety

A new **Appendix H** is added and adopted by Harris County as part of the Harris County Fire Code, which Appendix shall consist of the following provisions of the International Building Code, 2006 edition, which are incorporated herein as if fully set forth, and shall be designated **Appendix H**, with section numbers to be referred to with the prefix “H”, such that, for example, Section 201.1 of the International Building Code shall be referred to as Section H201.1 of the Harris County Fire Code:

CHAPTER 2, DEFINITIONS

CHAPTER 3, USE AND OCCUPANCY CLASSIFICATION

CHAPTER 4, SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

CHAPTER 5, GENERAL BUILDING HEIGHTS AND AREAS

CHAPTER 6, TYPES OF CONSTRUCTION

CHAPTER 7, FIRE-RESISTANT-RATED-CONSTRUCTION

CHAPTER 8, INTERIOR FINISHES

CHAPTER 9, FIRE PROTECTION SYSTEMS

CHAPTER 10, MEANS OF EGRESS

CHAPTER 15, ROOF CLASSIFICATIONS, SECTION 1505, FIRE CLASSIFICATION, including provisions 1505.1 - 1505.7

CHAPTER 33, SAFEGUARDS DURING CONSTRUCTION, SECTION 3309, FIRE EXTINGUISHERS, including provisions 3309.1 and 3309.2

CHAPTER 33, SAFEGUARDS DURING CONSTRUCTION CHAPTER SECTION 3312, AUTOMATIC SPRINKLER SYSTEMS, including provisions 3312.1 and 3312.2